2005 DRAFTING REQUEST

Assembly Amendment (AA-SB612)

Received: **03/23/2006**   Received By: **jkuesel**

Wanted: **Soon**   Identical to LRB:

For: **Joseph Parisi (608) 266-5342**   By/Representing: **him**

This file may be shown to any legislator: **NO**   Drafter: **jkuesel**

May Contact: Addl. Drafters:

Subject: **Elections - miscellaneous**   Extra Copies:

Submit via email: **YES**

Requester's email: **Rep.Parisi@legis.state.wi.us**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

AA to SB-612

Instructions:

Per LRB-4427/1.

Drafting History:

Vers.	Drafted	Reviewed	Typed	Proofed	Submitted	Jacketed	Required
/?	jkuesel 03/27/2006	wjackson 03/27/2006		_____			
/1			rschluet 03/27/2006	_____	lnorthro 03/27/2006	lnorthro 03/27/2006	

FE Sent For:

<END>

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/? /1	jkuesel 3/27/06	/1 wlj 3/27					

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2005

Date (time) needed _Mon 3/27 2PM_   LRBa _2856 , 1_

AMENDMENT

_JMc : WLj : ____

See form **AMENDMENTS — COMPONENTS & ITEMS.**

S (A) AMENDMENT ✓

~~TO S A AMENDMENT _____ (LRBa /),~~

~~TO S A SUBSTITUTE AMENDMENT _____ (LRBs /),~~

TO 2005 (SB) ~~SJR SR AB AJR AR~~ _612_ ~~(LRB- /)~~ ✓

At the locations indicated, amend the _____ _bill_ _____ as follows:

(fill ONLY if "engrossed ...." or "as shown by ......")

✓ **#.** Page .. _53_ .. , line .. _6_ .. : after ✓ (2) ✓ insert ✓ _or (2m)_ ✓ ⊙

✓ **#.** Page .. _53_ .. , line .. _11_ .. : after that line insert ⊙

#. Page .... , line .... :

#. Page .... , line .... :

#. Page .... , line .... :

[rev:1/6/05 2005DF04(fm)]

2005   BILL

1   AN ACT *to amend* 6.86 (1) (b), 6.875 (3), 6.875 (4), 7.08 (1) (c) and 7.15 (1) (j); and

2   *to create* 6.86 (2m) of the statutes; **relating to:** application by an elector for

3   transmittal of absentee ballots for multiple elections.

Analysis by the Legislative Reference Bureau

Currently, an elector who is indefinitely confined or who is disabled for an indefinite period may apply to the municipal clerk of the municipality where the elector resides to have an absentee ballot mailed to him or her automatically for every election for so long as the elector remains eligible for the service. If the elector does not cast an absentee ballot, the elector no longer qualifies for the service unless the elector reapplies. An elector who is a military elector, as defined by law, may apply to the municipal clerk of the municipality where the elector resides to have an absentee ballot sent to him or her automatically for the next two successive general elections.

This bill provides that any elector, other than an elector who currently qualifies for automatic ballot mailing as a result of indefinite confinement or disability, may apply to the municipal clerk of the municipality where the elector resides to have an absentee ballot mailed to him or her for all elections that are held within the same calendar year that the application is filed. The bill directs the municipal clerk to mail

an absentee ballot to the elector automatically for each such election for so long as the elector qualifies for the service.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 SECTION 1. 6.86 (1) (b) of the statutes is amended to read:

2 6.86 **(1)** (b) Except as provided in this section, if application is made in writing,

3 the application, signed by the elector, shall be received no later than 5 p.m. on the

4 Friday immediately preceding the election. If application is made in person, the

5 application shall be made no later than 5 p.m. on the day preceding the election. If

6 the elector is making written application and the application indicates that the

7 reason for requesting an absentee ballot is that the elector is a sequestered juror, the

8 application shall be received no later than 5 p.m. on election day. If the application

9 is received after 5 p.m. on the Friday immediately preceding the election, the

10 municipal clerk or the clerk's agent shall immediately take the ballot to the court in

11 which the elector is serving as a juror and deposit it with the judge. The judge shall

12 recess court, as soon as convenient, and give the elector the ballot. The judge shall

13 then witness the voting procedure as provided in s. 6.87 and shall deliver the ballot

14 to the clerk or agent of the clerk who shall deliver it to the polling place as required

15 in s. 6.88. If application is made under sub. (2) or (2m), the application may be

16 received no later than 5 p.m. on the Friday immediately preceding the election.

17 SECTION 2. 6.86 (2m) of the statutes is created to read:

18 6.86 **(2m)** An elector other than an elector who is eligible to receive absentee

19 ballots under sub. (2) may by written application filed with the municipal clerk of the

20 municipality where the elector resides require that an absentee ballot be sent to the

21 elector automatically for every election that is held within the same calendar year

1   in which the application is filed. The application form and instructions shall be

2   prescribed by the board, and furnished upon request to any elector by each municipal

3   clerk. The municipal clerk shall thereupon mail an absentee ballot to the elector for

4   all elections that are held in the municipality during the same calendar year that the

5   application is filed, except that the clerk shall not send an absentee ballot for an

6   election if the elector's name appeared on the registration list in eligible status for

7   a previous election following the date of the application but no longer appears on the

8   list in eligible status. The municipal clerk shall ensure that the envelope containing

9   the absentee ballot is clearly marked as not forwardable. If an elector who files an

10   application under this subsection no longer resides at the same address that is

11   indicated on the application form, the elector shall so notify the municipal clerk. The

12   municipal clerk shall discontinue mailing absentee ballots to an elector under this

13   subsection upon receipt of reliable information that the elector no longer qualifies for

14   the service. The clerk shall notify the elector of any such action not taken at the

15   elector's request within 5 days, if possible. If a municipal clerk is notified by an

16   elector that the elector's residence is changed to another municipality within this

17   state, the municipal clerk shall forward the request to the municipal clerk of that

18   municipality and that municipal clerk shall honor the request, except as provided in

19   this subsection. *[handwritten notation]*

20   **SECTION 3.** 6.875 (3) of the statutes is amended to read:

21   6.875 **(3)** An occupant of a nursing home or qualified retirement home or

22   qualified community–based residential facility who qualifies as an absent elector

23   and desires to receive an absentee ballot shall make application under s. 6.86 (1) ~~or~~,

24   (2), or (2m) with the municipal clerk or board of election commissioners of the

25   municipality in which the elector is a resident. The clerk or board of election

1   commissioners of a municipality receiving an application from an elector who is an

2   occupant of a nursing home or qualified retirement home or qualified

3   community−based residential facility located in a different municipality shall, as

4   soon as possible, notify and transmit an absentee ballot for the elector to the clerk

5   or board of election commissioners of the municipality in which the home or qualified

6   community−based residential facility is located. The clerk or board of election

7   commissioners of a municipality receiving an application from an elector who is an

8   occupant of a nursing home or qualified retirement home or qualified

9   community−based residential facility located in the municipality but who is a

10   resident of a different municipality shall, as soon as possible, notify and request

11   transmission of an absentee ballot from the clerk or board of election commissioners

12   of the municipality in which the elector is a resident. The clerk or board of election

13   commissioners shall make a record of all absentee ballots to be transmitted,

14   delivered, and voted under this section.

15   **SECTION 4.** 6.875 (4) of the statutes is amended to read:

16   6.875 **(4)** For the purpose of absentee voting in nursing homes and qualified

17   retirement homes and qualified community−based residential facilities, the

18   municipal clerk or board of election commissioners of each municipality in which one

19   or more nursing homes or qualified retirement homes or qualified community−based

20   residential facilities are located shall appoint at least 2 special voting deputies for

21   the municipality. Upon application under s. 6.86 (1) or, (2), or (2m) by one or more

22   qualified electors who are occupants of such a nursing home or qualified retirement

23   home or qualified community−based residential facility, the clerk or board of election

24   commissioners shall dispatch 2 special voting deputies to visit the home or qualified

25   community−based residential facility for the purpose of supervising absentee voting

1 procedure by occupants of the home or qualified community–based residential

2 facility. The 2 deputies designated to visit each nursing home or qualified retirement

3 home and qualified community–based residential facility shall be affiliated with

4 different political parties whenever deputies representing different parties are

5 available. Nominations for deputy positions may be submitted by the 2 recognized

6 political parties whose candidates for governor or president received the greatest

7 numbers of votes in the municipality at the most recent general election. The

8 deputies shall be specially appointed to carry out duties under this section for the

9 period specified in s. 7.30 (6) (a). The clerk or board of election commissioners may

10 revoke an appointment at any time. No individual who is employed or retained, or

11 within the 2 years preceding appointment has been employed or retained at a

12 nursing home or qualified retirement home or qualified community–based

13 residential facility in the municipality, or any member of the immediate family of

14 such an individual as defined in s. 19.42 (7), may be appointed to serve as a deputy.

15 **SECTION 5.** 7.08 (1) (c) of the statutes is amended to read:

16 7.08 **(1)** (c) Prescribe forms required by ss. 6.24 (3) and (4), 6.30 (4), 6.33 (1),

17 6.40 (1) (a), 6.47 (1) (a) 2. and (3), 6.55 (2) and (3), and 6.86 (2) and to (3). All such

18 forms shall contain a statement of the penalty applicable to false or fraudulent

19 registration or voting through use of the form. Forms are not required to be furnished

20 by the board.

21 **SECTION 6.** 7.15 (1) (j) of the statutes is amended to read:

22 7.15 **(1)** (j) Send an absentee ballot automatically to each person making an

23 authorized request therefor in accordance with s. 6.22 (4) or 6.86 (2) or (2m).

24 **(END)**